

Justin Gray

From: Ashe, Gregory <GASHE@ftc.gov>
Sent: Wednesday, June 17, 2020 9:40 AM
To: Justin Gray
Cc: Clark, Helen
Subject: RE: FTC v. Lead Express

I apologize for not responding earlier. I'm on another call from 9:30 – 10:30. Could we call you at 11 or 11:30?

Gregory Ashe
Senior Staff Attorney
Federal Trade Commission
600 Pennsylvania Avenue NW
Washington, DC 20580
202-326-3719

From: Justin Gray <JGray@rosettela.com>
Sent: Tuesday, June 16, 2020 1:00 PM
To: Ashe, Gregory <GASHE@ftc.gov>
Cc: Clark, Helen <hclark@ftc.gov>
Subject: RE: FTC v. Lead Express

Gregory,

This matter has taken a different course than most contentious lawsuits. Typically, when defending Indian tribes, when sovereign immunity is at issue, we do not file an answer, but rather a 12(b)(1). However it appears that we've moved past that point with our discussions.

I will agree to a 45 day extension on the time to answer, and again, I suspect that my clients may not need to go that far into this case.

I expect to have my pro hac motion filed this week and corporate/financial disclosures to you within the next few days. As far as Rule 26, I'd still like to explore our options to get you the information you need without formal discovery. I believe the time and costs can be avoided.

Can we have a call tomorrow at 10:00 a.m. ET?

Justin Gray, Attorney



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From: Ashe, Gregory <GASHE@ftc.gov>
Sent: Tuesday, June 16, 2020 12:47 PM
To: Justin Gray <JGray@rosettela.com>
Cc: Clark, Helen <hclark@ftc.gov>
Subject: FTC v. Lead Express

Justin,

By our count, answers were due on June 9. Counsel for the non-tribal defendants have asked, and we have agreed, to stipulate to a 45 day extension to file responsive pleadings (from the date answers were due, i.e. July 24). This would be conditioned on our informal agreement to conduct the Rule 26 conference sometime during the next two weeks (although we can agree to limit discovery to third-party discovery until after July 24).

Because we would prefer to have one set of deadlines, we wanted to know if you are interested in joining the stipulation?

I also think that we can be using that time to explore final settlement.

Gregory Ashe
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